(6)

THE SOLICITOUR;

OR,

Reasons urging a more liberall *Loane* towards the maintenance of Religion, Law, and the Kingdomes safety in them Both:

Taken from the { *Maine Quarrell*, *By-Engagements*, *Bare Pretences*, *True Designes* } Of this Army so deeply engaged against the Parliament.

Wherein the Popish Plot is in its whole drift, Together with the Kingdomes danger, laid open;

AND THE

Great question between the Prerogative of Majesty, Priviledges of Parliament, and Liberties of the Subject is modestly handled:

With the

REMOVALL OF THE OBJECTIONS

And usuall Slanders cast upon the Parliament.

by Mr Hearle.

Printed at London, for *John Bartlet* at the Signe of the *Guilt Cup* neere *Austins* Gate in *Pauls Church-Yard*. 1643.

An Honest BROKER

THE *quarrell* (however hitherto otherwise faced and disguised (and it is time now to unmaske) appeares now to be *religion*, our more endeavoured, and more feared through getting out of *Romish Egypt*, *Pharaoh* may lay it on the *Peoples idlenesse*, and thinke the way to stop their mouthes, is to gall their shoulders, and (as the Turkes rule is) that the way to make them beare, is to make them beare; the *people* may lay it on their *Deliverers wilfulnesse*, and turne their former crying unto God for them, into a crying out on them: but now (at least) every one that will not with *Dionisius* his flatterers (who though they saw that *Dionisius* could not see would yet) winke with him for company, may see that the *Dragons* malice to the *woman* is, because she *labours* of that *birth* which will *bruise his head*, he was the *old red Dragon* then, and now questionlesse as more *old* in experience, so both more *red* with malice, and more *Dragon* too in windings and delusions of all kindes: and if *Antichrist spit out of the Dragons mouth*, be so like him, that *his comming is after the working of Satan, with strong delusions*, we cannot imagine his working to be lesse *strong* or *delusive* now then heretofore, and if in this *working* of Antichrist the *Jesuits* be the *Mercury sublimat*, the *quicksilver* that have (as tis said of that *minerall*) *principium motus in se*, but not *quietis*, whose *non agere* is *pati*, not to be *doing* is *suffering*, if they be (as they are boasted by their owne) the *Intelligences* and *assistent Angels* that move all our *terrestriall spheares*, the influences that cause all our *conflagrations* here below, if they be the *Locusts that have power to lead forth Kings unto Battle*, the *frogs* that will be *croaking in Kings Chambers* doe what they can, untill

Rev. 12. 3.

2 Thess. 2. 9.

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till the rod of Gods mouth sweep them away, if their *malice* towards us be the same still, their *hopes* of late much greater, their *helps* now more and more at hand then ever, all the advantages of *ground*, *wind* and *sun* theirs, we may at least justly suspect them now as (heretofore) to be the *seedsmen* of *our cares* and present *troubles*; but we need not suspect any longer: if we will but look on the *contexture* of this *war* in all its *approaches*, *advances*, *counsels*, *conducts*, we may easily see their *finger* in it up to the very *elbow*.

See Mr. *Newcomens* Sermon upon the fifth of November last.

First when in pursuance of those rules of *Campanella*, and that other Jesuit *Contzen*, for the reducing of England to the Church of Rome, they had instilled and fomented *divisions* among us in *Doctrine*, *Innovations* in *Worship*, *jealousies* in *State*, to the preparing and heightning of their *party* to the utmost of what they could here among us, the next thing in order to their ends, was the occasioning a war between *us* and *Scotland*, a *Nation* utterly averse and *unwinnable* by their *minings*, no way (they well knew) reducible but by downright *battery*: (there were of such as had a more wakefull eye upon this designe, that could from the beginning say that those *innovations* were never with so much violence obtruded upon *Scotland* with any hope of *prevailing*, but only of *provoking* to a *nationall war*) and therefore the first covenants of peace made at Barwick must be (however dishonourably or unjustly) broken, that by the Scots enforced pursuance of their preservation by an Army to make their way with, the *war* might once between the *nations* (as was given in charge by the English Genreall) be broach'd and *baptized* in Nationall *blood*: but failing, though, in their confidence of an English *army* presently to be raised to give that other *Battle* with, they were enforced to cast themselves rather upon an *English Parliament*, then a *Scottish army*, hoping however that a *Parliament* might easier be dissolved or eluded, then such an *army* either resisted or disbanded, and when 'twas found that *disbanding* required so deep a *disbursing*, that the *army* could not be *disbanded*, and the Parliament *dissolved* both at once; and that though the English *Army* would not serve to overmatch the other, yet it might serve to overawe, or cut a Parliament in pieces, though never so *indissolvable* a *Gordian*: this, (as much hated, but lesse feared then the Scottish Army) is chosen, as of the two the *lesse*, at least the *tamer evill*: Well, when the *Scottish army* (not to be wrought on so much as to sit still) is fairely returned,

and

and the other *armies designe* for *London* discovered, and therein (as all stratagems of that kinde are) *defeated*, there remained then no more to be done, but a quick riddance of this *Cours ague*; the *Parliament*, now turned to a *quartane* at least, heretofore a good honest drudge, that was wont to worke but journey work, and so for the most part was turned off at the *moneths* end, but now had by good husbandry gotten such a *stock* of *time*, as able to *set up* of it selfe: to this purpose at first faire meanes are tryed, some good *Bils* are passed, partly to pay old *scores*, but especially to put once an end to this *new Act* of continuance that makes the *Parliament* too *old*, then again it is to the same purpose required that a full *expresse* of all desired remedies be given in, even before the *diseases* so long a breeding were well or throughly knowne; but when nothing will serve turne to untie this *Gordian* but the *sword*, only an *army* must doe it; upon pretence of (I know not what) feares his *Majesty* must retire to some *Fort*, of which being possessed (for uses too well knowne) a *guard* (as the more peaceable and better sounding word) must be raised, under colour of which it would be very easie undiscernably to levy treble to what was proposed, and by command of which, as easie to enforce as many more as should serve the turne: next, in the raising of this *guard* now at length for the recovery of *Hull* (a usefull quarrell too herein) growne to an undeniable *Army*, a many of the most populous, and in opinion, most malignant *Shires* must (the better to get a confluence of what ever ayde, either *Delinquents*, *Malignants*, or *Papists* would contribute, together with the *Armes* and *Ammunition* of the *traine bands*) be severally and successively traversed and *gleaned* through, all this while *Proclamations* both for punishment and restraint of *Papists* from any admission into this *Army*, must fill the eares of all sorts, that so under the lure of Protestant loyalty, as many as would be got, might be first drawn in, and by their once *voted delinquency* therein, be riveted and made sure from all starting, before the Papists should any wayes shew themselves in *armes*, not but that it was intended from the beginning that they should and must, before the worke was done: all the care was (knowing the Papists of themselves too few) to make sure of as many Protestants as could be had, and as deeply as possible engaged, and so necessitated to make use of Papists, before their concurrence might frighten the others from such a mixture: I have heard many a Protestant (and of the highest ranke of subjects too) *protest* that if ever

If otherwise, as is alleadged that they are made use of as Subjects, not as Papists: I would faine know whether they are now any whit more or better Subjects then when at first proclaimed against, or whether the Law be not the same now against them that it was then.

ever his Majesty made use either of *Papists* or *forraigner* in this *war*, they would give him for lost to all pretence of Law or Protestant religion any more, and joyne with the Parliament to the utmost, whom notwithstanding now I see still in the Kings *army*, and as forward in making use of *Papists* as any whatsoever; and I beleeve they then meant as they said, and would now doe it too withall their hearts if no deeper engaged now, then when they spoke it, but that now they think the way is to *go on* for such as cannot well *come off*: It is one of the most subtle and most dangerous *Jesuitismes* of all other, to make sure to involve such as they would make use of, into a *necessity* in the end of a reciprocall making use of them; first to worke men into a *necessity*, and then to work upon that *necessity*, that where they cannot make use of mens *consciences*, they may (at least) make use of their *interests*: how did they work upon King *James* his love of *Nationall peace*, even to a giving away with his owne hands (as in a Complement) his owne, and the Nations weapons into the hands of His sworne enemy: too great a love of *conjugall peace* is a humour much more ductil and easie to be wrought on, specially when kept alwayes *warme* by so neere a *flame*: nor may we thinke because *Papists* now discover themselves that their *design* and our *danger* is yet seen to the *bottome*, for tis not to be conceived that they should hope that these our *Papists* here, with all the other *Delinquants* thus by them engaged, should doe the worke: No, certainly these our home *Papists* lie but at stake, and (as they have often from *Ireland* and elsewhere been upbraided and provoked to) doe but now appeare, the more deeply to engage their *forraigne* friends in the *designe*. How comes it to passe else that so many of them abroad from all quarters have so deeply joyned the Catholike *purse* to the Catholike *Armes* here, and all (so we must be *undeceived*) to the *maintenance of the Protestant Religion*, to what purpose else is the late *Commission* granted to 12. men in *Ireland* (all Papists save one, and (as tis said) some of them deeply confederate to the *Rebellion*) to treate with the *Rebels* there upon their *Petition*, wherein a tolleration of their Religion is the most modest demand, or rather challenge of all the rest. How well we have been *undeceived* herein, as we have been often *rightly promised*, now at least sufficiently appeares, when the *Northern popish armes* (now conceiving it selfe needfull beyond all danger of being cast off, publiquely now declare (and that without a scornfull confidence) against *fighting for*

The King of Spain had one hundred pieces of Ordnance given him.

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the prevailing Religion, expecting (as they now dare publiquely professe) that *as the King makes use of their lives, so he should allow them the use of their owne Religion*; and (to say truth) they have reason to expect it, and doe accordingly as freely exercise it, even to the publique derision of ours in those parts.

And if *Religion* then be (as it now no longer feares to appeare to be) the maine *quarrell* (and the *Popish religion* that hath so apparently made use of all the severall engagements of such as appeare with them in it be (as hath been alwayes observed, like *Mars* among the *Planets*) impatient of all *conjunction* where it may not be *predominant*) how much doth it concerne us *Protestants*, unlesse we be growne weary of being *such* to sacrifice all we *have* or *can*, or *are* to the continuance of our being *such*; *All that a man hath will he give for his life* (the devill himselfe acknowledges so much) *religion* it is the *life* of that *life*, and such a *life*, as he that *hates* not that other *life* for it, *shall never have* it (sayes our blessed Saviour) tis for this, that wee have that other *life*, without this, that other is so far from a *life*, as it is but a *body of death*; how deare should this *religion* be to us, that cost God the *Father* the *treasury of wisdome* his owne *Son*, the *Son* the *price of heaven* his owne *blood*, the *Holy Ghost* the *soule of Scripture*, his owne *breath*: how ill was there so much *blood* of *Martyrs* spent in its *planting*, in its *feeding*, if we now grudge it our *paines* or *purses* towards its *watring*, its *weeding*, its *fencing*, offices now as needfull as the other; what doth he, but with *Judas*, sell Christ for *silver*, that now spares it from him? what but *sell* the *Redeemer*, that will not *redeeme* his *truth*, his *cause*, his very *blood* from being trampled on? he that with *Judas* counts that but *waste* that is *spent* on him, and prizes the *oyntment* that *might have been sold* for so much, above the *anointed* that can be *purchased* no otherwise then by *parting with all when he calls for it*; that thinkes to be a *saver* in what he denies his *Saviour*, how justly deserves he *Judas* his *string* with *Judas* his *bag* (at least) let him be inforced hereafter to pay ten times as much for a *Popish pardon*, or *dispensation* as he might now timely prevent all such unchristy bargaines with. And is it not a piece of *theft* too as well as *sale*? Is it not his owne that which we deny unto his cause? The *Talents* are the *Lords* still, though put into the *servants* hands, and why there, but to be *improved*? and what *improvement* to the laying them out on this *pearle*? Is it not so, as best *laid out*, so best *laid up* too?

Job 2.

Rom. 7.

too? If what is given to the *faithfull*, much more what is given to the *faith*, hath the *publike faith* of *heaven* for *security*; nor hath it but, as the highest *acceptation* of a *gift* from *heaven*, so the strongest *security* of a *loane*, as in heaven so on *earth* too; as we need not herein make any doubt of our *returne* in *heaven*, so nor need we make any *defalkment* in our *inventories* here on *earth*, we shall herein (at most) run but the same hazzard with all that the *Kingdome* can call its *firmament*, and *bottome Religion*, *Lawes*, *Parliaments*, and if all these *sinke*, who would desire (but like so much uselesse *wracke*) to *float* any longer above *water*? Besides, what is all our providence in what we can have or hold here, without Gods promise to guide and crowne it with a blessing? and the *promise* is not that *all things* shall rest *together*, but that *all shall work together for the best of such as are the called according to Gods purpose*, *work* not still in our *hands*, so, they would work too soon into our *hearts*, but in *Gods hands* which can only set them so a *work*, and if in Gods *hands* 'tis, that they *work* this way the most kindly, we may be sure nothing can be more fully, more fitly put into Gods *hands* thus to *work*, then what is imployed on his *cause*, his *truth* and *name*. If nothing else will (me thinkes) that care of *Joshuahs*, of *what will become of that great name*? should deeply affect us herein: *If Israel turne their backes upon their enemies, what shall we then say*? (sayes *Joshuah*) and how surely, how justly shall we (if first we herein turn our backes upon our God) be brought to *turne* them too in the end upon his and our *enemies*? They *pierced Davids soule through as with a sword*, when they asked him, *where is now thy God*? How will the *tongues* of the enemy in such blasphemous insultations prove their sharpest *swords* to every penetrable soul if they but once prevaile? They who (with the *Giant-philistime*) so much *blaspheme* and *defie God* now while they are yet but a *girding on their harnesse*, how will they *triumph*, and *trample* him if they once come to *put it off* successfully? what a strange mungrell *prodigy* of a *religion* (if not present *Popery*) were we like to have, should that day but once come? They sure that now accurse *praying*, would then *pray cursing*, and make what they now account the *ornaments* of their life, then the *Articles* of their Creed. How broad a Coach-way to heaven were we sure then to have, would it prove but a sure one? our Saviours *narrow path* would never fit these *straddlers*, *Jacobs ladder* would become but one *step* from *Dalilahs lap* to *Abrahams bosome*,

Rom.8.

Josh.7.8,9.

Psal.42.10.

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or would it not rather be (that *heaven* of the *Turkes*) *Dalilah's lap still* as the more suitable of the two, both to their *lives* and *wishes*: but however many out of either *indifference*, or ignorance, or *guilt*, are become (as *Tiberius* spake of *Rome*) *ad servitutem nati*, yet let it never be said to the everlasting *reproach* of *England* and the Gospell both, that a handfull of Papists should outbid a Protestant *Centuple* (at least) of their *number*, in their *care* and *courage*, and *devotion* at once to advance theirs, and to buy and beat us both, out of our Religion: there can be noting wanting herein but our sensiblenesse, that this is the maine *quarrell*, the Northren parts that have most experience of it (we see) can beate them into comers.

The By-Engagements; Want and Guilt, Licentiousnesse and Ambition.

Want.

THe by-*Engagements* where with Papists have *mingled*, *charged*, and *fir'd* this *Army* (as but one great *Granadoe*) *shot* from the *old murtherer* at us, are more especially these foure, *Want*, *Delinquencie*, *Licentiousnesse* and *Ambition*, all ravenous and sore bitten Ban-dogs of blood and mischief, and tho' each flie eagerly at all, yet more especially have they each of them its severall ayme of Envy, *Want* at *Property*, *Delinquencie* at *Justice*, *Licentiousnesse* at *Reformation*, *Ambition* at *Authority*.

For the first, that of *Want*: The two daughters of *Peace* (especially so long a one as we have had) have always been *plenty*, and *pride*, and theirs againe *Luxury* and *Beggery*; no marvell then if wee have so much of this *tinder of hell* amongst us, a *beggerly pride*; *Want* is the *ragge* that makes this *tinder*, and *pride* is the *flame* that *scorches* it; a *man proud* and *poore* prevents the *devill*, and will be his own *Tempter*, nay rather then faile, his very Tempters tempter to any mischiefe.

A minde by alwayes *gnawing* the *bone* of his owne discontented *wants* is made but more *hungry* still, discontentednesse with the condition a man is in (especially when out of an opinion of deserving better) 'tis the devills sowrest *leaven*, one of his chiefest *fire-works*, which once *kindled*, (he knowes) will runne and *scatter* to the utmost of its reach in mischiefe, now that a great part (if not the greatest) of this *hungerbit*, this *wax-stung Army* is ingaged, specially by their owne *wants* and *debts* (such as thinking the *world* can never for their

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turne be so ill *dealt* againe, thinke their onely way is to set it a fire, in hope that the new mould it takes may give them a better *share* in it) 'tis no way to be doubted, and then tis as unquestionable those shares they doe most hopefully promise to themselves, specially out of the richer spoile of this City: the which should it ever come to passe, you would *quickly* (and yet too late too) find the difference as great between *Loane* & *Plunder*, as between a *halfe* Shirt lesse and *Starke nak'd*, a *dish* or two lesse, and no *bread* at all, and as you would finde a difference betweene them, be sure (what ever you are told to the contrary) *rapine* will make no difference at all betweene friend or foe, Rattle, and Roundhead, all will be one: the *Caninus appititus* of this *want* that hath first engaged, and now by so long an expectation *enraged* too the *hungry* souldier, will swallow all alike without chewing; as *danger* and mutuall *guilt* have reconciled the differences between *Protestntd* and *Papist* among them into one Army against you, so *Want* and *Opportunity* willquickly unite all your present differences of *peacist* and *Truthist*, &c. into one common *prey* and *spoile* to them: you will find, that as it was said of the tyranny of *Spanish Inquisition* (at first as was pretended) brought in against *Heresie*, that *wealth* quickly became the greatest *Heresie* of all other; so with this Army, threatning yet none but *Roundheads*, the greatest *Roundheadisme* will be to be rich, a *round summe* of *round cash* will turne both *heads round* in the end, *quod si dolosi spes refulserit nummi*; the Cavaliers *head* will turne *round* too, so *round*, as not to discerne any difference at all in *heads*, but in stead of finding out the way to *square* the *Circle*, hee will easily finde a way to *circle* the *Square*, to make what ever fashioned head as *round* as he pleases, and if the *Lyon* will, what shall hinder the *Hares eares* from being *hornes* as well as the *Goates*; nor will all the *Promises* or *Protestations*, no nor *Proclamations* neither to the contrary which you may have, be found any way *Plunder-proofe* in such a case; Commanders at such times cannot, must not, and usually would not restraine the Souldier from his utmost swinge of violence, 'tis a liberty, he hath *rifled* his life for, the *price* of his *blood*, and must not be denied him, unlesse reserv'd for the Captaines owne share, and that will alter the Case very little; for it may be said herein of the *Souldier* and *Commander*, as *Cato* (sometimes in the *Romane* Senate, in dislike of a couple in election for an Embasie, the one being very needy, th'other again as covetous and greedy) *hic nil habit* and *huic nihil sat est*, the *cummon souldier*

Pers.

hath

hath nothing, and the *Commander can never have enough*; let *Marlebrough* be a sad *Remembrancer* hereof unto you, where, as if the *water* were not *sweet*, unlesse *stolne*, as if it were not souldierly, not friendish enough, unlesse done in mockery of First-disarmed and Plundred *Authority*: they first read his *Majesteis Proclamation* against Plundring, and then (as after the formalitie of a *Grace*) fell the roundlier to it. And shall their *want* of what is not theirs be a greater engagement on them, then your care, of what through so much care and paines is become your owne to you? shall they so desperately adventure their *all* for *some*, and will not *you* providently adventure *some* for your *all*, how will it imbitter and sadden the losse, to thinke how little a part of that *all* which you will then see torne from you, it may be with tortures, would (but lent in time) have redeemed it selfe together with wife and daughters from the villanies the Butcheries of lust and rapine: There is another kinde of *want*, besides the *wants* of *wealth* and of *will* that ingages many herein too, and tis the want of *wit*, to distinguish betweene an *absolute* and a *mixt* or *tempred Monarchy*, and in such a Monarchy betwixt the *personall* Command, and the *legall* Power of the King, wherein his regall Authority consists; and so betweene fighting against the *King*, and fighting against *Delinquents* to his *Lawes* (wherein his reigne and Kingdome consists) who are by *Law* compellable, and that with force of Armes to answer the Justice of any *Court*, to which they stand *Delinquent*, much more that of the two *Houses of Parliament*, which that they are a Court without the Kings actuall concurrence, appeares in that they can proceed by way of Judgement wherein his *Majestie* is no party, as well as by way of *Bill* wherein he is; but they are for the most part such, as a *Morter* cannot *bray* out of their *folly*, and therefore we leave them, untill God please to doe by them, as he did by the *Syrians*, open their eyes to see that while they have blindly pursued their Kings wilfull *Command*, they have beene *involved* in the midst of his and their *Enemies*. 2 Kings 6.20.

Guilt, or *Delinquency*.

Guilt, *feare* and *revenge*, are the three enraged *furies* of this *engagement*, and all three right like *furies*, have their hands full of Snakes instead of whips to sting the *Law* and *Justice* of the State with, nor doe they but as so many Snakes wreath and twine

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themselves together : *Guilt* twines with *feare*, and *feare* with *revenge*, nothing so fearefull as guilt, nothing so revengefull as feare ; under these three *Colours*, *black* guilt, *pale* feare, and *sanguine* revenge marches no small part of this *guilt-stung* Army, nor are they without their answerable Mottoes neither, *Guilt* is *tutissimum est inferre*, tis safest to goe on, where there is no getting off : *Feares*, is *mortui non mordent*, the dead bite not : *Revenges*, is *altius*, *dulcius*, the deeper the sweeter : Want may bite sore, and deep, but *guilt* gnawes, and stings unto *revenge* ; *jusque datum sceleri*, Law given up unto it, and it selfe once become a Law, how sure is that Law to be like *Draco's* written with blood, and (in the very letter it selfe, as the Prophet speakes) with a *pen of iron* ? *Catiline* and his crew of *Malignants* engaged thus by their own guilt, and so (as the Historian speakes) carrying their *All*, *lives*, *fortunes*, *fames in their right hands*, how heavy grew those hands towards Rome, if they could not sack it to their gaine, at least to sacrifice it to their *revenge* by fire : And certainly, though this engagement of *guilt* bark most against the Law, and so against the Parliament, whence it hath received its doome ; yet this City, as it hath been the greatest sharer in the charge of this war, so will it be too the greatest sufferer in the revenge it travailes with, if ever it bring forth, how will it triumph in vengeance on the place that hath yeelded so much *money*, *men*, and *armes* towards the Apprehending, so many Gaoles towards the imprisoning, and would have done so many *Gibbets* towards the executing these pests, and but vermine to all society, and especially to Law, the only cement and soder of it. *Tully* tells us that wealth, though it make not a *good man*, yet it makes a man a *good Citizen*, because when a man hath somewhat of his owne to instance in, it makes him love justice so much the better, whose office is to give every one his *owne* ; suffer Law and justice once to be trod downe, the only *Fences* to what you either have or are ; and how quickly will all become a Forrest, and then how soon will the wildest Bull have the largest pasture ? and industry the stirrup to advancement, how soone become the footstoole and drudge of Tyranny ? But (you'l) say whichsoever Army prevaile, sure we shall have some Law to hold our owne by, tis very like we should, but no other then such a Law as the *sword* would cut us out with one *edge*, and at pleasure cut asunder with the other ; if once it cut the Law we have asunder, it will quickly learne the way to go on, *ejusdem est solvere, & ligare*, a Law that the Sword can give,

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it can with much more ease take away, this Law we have. we owe not to the *sword*, and therefore *hold* it not by it, when we doe, tis like to bee such a Law as the people had from *Hophni* and *Phineas*, where what ever the hook tooke hold of, was their owne, whether *sod* or *raw*; wee have a homely proverbe, When the *Fox preaches, beware the Geese:* When Delinquents to Law shall come to give us Laws, they are like to be such as will not much either restraine themselves, or secure us: How would it vex an Alderman to have a Court-*Seavenger* by vertue of some Patent, or other new devise, to pluck his *Chain* off his neck, and tell him he hath Law for it, nor must he thinke that Law (as this wee have) impleadable; no, tis a Maxim in policy, *Governments must be maintained by the same way whereby they are gotten*; if gotten by the sword, that sword must be alwayes drawne to maintain and enforce it: Witnesse our neighbours the poore pesanted *French*, where the proverb tels us, it hath brought the Farmer to such a passe, that he is not so well there able to entertain the *Spannell*, as he is here yet with us to entertaine the *Master*. Well, sell not then with *Esau* your birthright, the Law, the blessing will goe with it: you will not spare to part freely with a round summe to secure a questioned *Title*, if you have purchased it: The Title you have to this your Patrimony, your Inheritance the Law is now become such, encumbred by a pretended title of a company of wilfull *wranglers*, to be held of them in a kinde of *Villenage*, and that but at pleasure neither: if the *Law* then (without which you have no *title* to any thing you have) be the best *purchase*, as certainely it is a *purchase* that is its owne *security* and *conveyance* both, suffer it not to be thus wrested from you, what ever you lay out herein 'tis not to retaine the *Lawyers*, but the *Law* it self, and he that will not adventure *some* on that whereby he holds *all*; *a Hospitall*, if not *Bedlam* is the best he doth deserve.

Licentiousnesse.

TIs strange (I confesse) that there should be any so deepely deperdit, and already sunke so low into *hell* on *earth*, as (out of impatience of any restraint in Luxury) to be content to forfeit their first *Birth-right*, the *Law*, for feare of their *Second* in the *Gospell*. Was ever any man afraid of those *silken cords of Love*, those *Berill-Bracelets*, the *Bridegromes* choisest *Love-tokens* to his *Spouse*, the more refined Can. 5. 14.

Oeconomy and *Discipline* of the Gospell? was ever any man afraid of having too much of *heaven* upon *earth* before? none certainely but such as have made covenant with *hel*, and *Cancell'd* all, even wishes of any other *heaven*, then that of their owne *Lusts*, and yet such *unbowell'd unman'd* Monsters, these, the *low running dregges* of time doe too freely afford, such as not onely in studied Oathes and blasphemies make up a full *Consort* with the accursed *Harmony* of hell, but practise too the native *dialect* thereof, crying to the Gospell (as the devill to our Saviour) *Art thou a comming to torment us?* Such, and so many such wee have as make up the greatest part of the *auxiliaries* in this loose, yet too fast combined Army, such as with the Heathen in the Psalme, *rage and take counsell together*, saying, *Let us breake these their bonds, and cast away their cords from us*, and grow fierce: (like him possessed among the Tombes) so as no *cords must hold them*. One likes not so well *Christs new whip of cords* now a twisting over againe for his *lust*, give him those old *Money-Changers* of the *Temple*, *Chancellors* and *Officials* with their baudy crew, that sold Doves, *i.e.* currant *innocency* for guiltie *silver*, that *eate up* (as the Prophet speakes) *the sins of the people* (it may be) hee hath (at a standing *rent*, or *grosse summe* farmed of those grand Stewmasters, some Patent of the smocke for life, and already paid for it, may be they are themselves free of the *Company* (at least) would be sure to use their Customers well, they live by them: the Church-wardens too were honest tame parish-Bawds, whose consciences would be easily either oyl'd into Chiverell with a smile, or aw'd and shrivel'd into silence with a frowne (at least) with the terror of a suit especially in that *Court* where his worship had so much reason to expect favour: But to have fresh *Terriers* shaken off at him, to hunt him out of his holes, and subterfuges of *Bawdry*, he likes it not at any hand, hee knowes the present rate he enjoyes it at, he knows not how much deerer it may cost him (like the scabbed Beggar in the Fable) he would not have the old swarme of flies swept away from his sores, least a new one should come that would (such is the feare of guilt) suck his blood more hungerly, or like a desperate Debtor, is rather contented to pay the *interest* while he lives, together with the whole Brokage of procurance, continuance, forbearance, then to part with any of the *principle*, the stock of his trading: however he likes not to have his *deeds of darknesse* Churched, before he be willingly or safely delivered of them. Another (not so wise as the *Serpent*) he will not by any meanes be brought to vomit up his drunkenesse before he come to drinke at Christs Table, but his

Esa. 28. 15

in despight of all restraint, or danger eithet, will brew his owne *blasphemous cups* of surfet, and Christs *cup of blessing* both together, who though his throat be an open *Sepulchre*, into which he swallows downe his owne *grave* (as the glutton is said to dig it with his teeth) yet hee paints it over with the plausible *titles* of good fellowship, kinde nature, noble heartednesse, and makes more conscience of defacing this Sepulchre with the brand of puritanisme, then he doth of Gods Image in him, with the losse of reason and humanity it selfe: he heares (may be) of some Law intended against *drinking healths*, and rather then not drinke the *Kings* health, though to the drowning of his owne, he will quarrell for his drinke (at least) and *drink*, and *fight* while he can stand, against all Reformation; Drinking, and praying for the Kings health is all one with him, *poto* is to him a morall, as well as litterall *Anagram* of *opto*, all Alleagiance with him, is in *drinking the Kings health*, where the mystery is, that tis not so much the *Kings health* that is the concernment, as the *drinking* it, and therein hee will die a good *Subject* however, yea, and a *Martyr* too (if neede be) in this *Pot-valiant Army*. A third (of whom it may be said (as of him in *Lucan*) *Totum est pro vulnere corpus*, his whole life is but *one ulcer*, one entire *scandall* and *blot*, of *lust*, *riot*, *ruffianry*, and all kinds of *debauchery* whatever, one able to *conquer* the devill himselfe at his owne *weapons*, of *blasphemy*, and *temptation*; and as was said of *Alexander M.* would neede no other *Almanacke* than his *monethly*, nay, his *minutely conquests* of this kinde to reckon his Age by: yet (hitherto) he knowes the key of the old Consistory Court, tis but the *reeling* in *drunke enough* at his *apparance* with halfe a dozen oathes to *hallow* and *perfume* the place with, with some empty bald scoffe at *Puritans*, and theres an end, a *well-meaning man*, *no saucy prickear'd rondhead* (I warrant him) *take his fees*, *and draw up his dismission*, and all's done; and there's reason for't, *Sævis inter se convenit*, *Tygers* will not *prey* one upon another, but now, for these new intended *Discipliners* he knows not how they will handle him, and therfore while the *Pox* and the *Sergeant* please to spare him he will fight for his old cheape *Hacksters* of damnation against these new Roundheaded *Rigorists* to the death; and shall these Hacksters of Hell be more lavish of their blood and soules to boote, upon the Devills *service*, then you free of your purses upon God? is *damnation* so much *sweeter*, *dearer* to them, then *salvation* to you? A fourth sort more *civill*, and it may be somewhat formally *devout* too, tho' he like not fighting well, yet rather then be put

on

on the *racke* of ſtricter rules of life, and endure two long *Sermons*, all of *Damnation* in one day, (that make his very head to ſhoote with the very thought of their vexation before hand) he will racke his purſe firſt, and (tho' he like not this gunſhot 'tis ſo like the Preachers Thunder yet) he will pay roundly to it, if it be but to *drowne* the noiſe of the other; and is a ſurer way to heaven leſſe worth than a ſmoother one to hell? O let it not be ſaid that this *forlorne hope* of *hell* in the purchaſe of their Fooles Paradiſes ſhould outbid you towards that of Gods.

Ambition.

AMbition, tis a reſtleſſe *flame*, that will be alwayes working and catching higher, tho' it looſe it ſelfe by it; a Scumme, that tho' it *ſtinke* the more, yet will ſtill be at the *toppe*; a double *ambition* we have here engaging its *glorious vaſſayles* in this Warre againſt the Parliament; one of *honour*, another of *wit*: for that of honour and preferment, 'tis obſervable, that among all the ſeverall rankes of men, as well *Lay* as *Clergy*; it is your overgrowne *Eſquires*, *Knights*, and *Lords* on the one ſide, that in *potentia*, and *appetitu materia* (as Philoſophers ſpeake) in their owne *previous* diſpoſitions are a corrupting towards *Knights*, *Barons*, *Earles*: on the other ſide, your *Formaliſts*, *Pluraliſts*, and overhaſty *Doctors* that are a *ſhaping* into *Court-Chaplaines*, *Deanes*, and *Biſhops*, that are the guilded *Spangles* and ſtudded *trappings* that doe *emblazen* and *beſkarlet* this *glorified* even while, yet Militant Army. It is obſerv'd that beaſts otherwiſe by kind or converſation tame (as Bulls, Horſes, Boares) yet by rank and high feeding they grow *Mankeen*, and to love blood; 'tis ſo with theſe *fat Bulls of Baſan*, theſe fed horſes of *Egypt*, they thirſt after the blood of others to raiſe theirs higher by, how truely is that of the Poet, *Vt jugulent homines ſurgunt*, inverted into an *Vt ſurgant jugulant homines*, in ſtead of riſing to kill, they kill to riſe: rankeneſſe of *blood* feavered and rankled by Ambition, 'tis a racke will ſtretch ſome men to any thing. Nor is the other ambition, a rankeneſſe, a luſt, an itch of *wit*, leſſe reſtleſſe in filling and blowing bigge this partie, tho' but with winde; all the *wit* they ſay 'tis in the Papers on their ſide, there's not a *line* in them but is full of *ſmart* and *reſcearch'd conceipt*, and they are every day anew *terſly* and *politely curl'd over* with ſome new neate *twice compounded words* in good language, to *undeceive* and *diſabuſe* the *people*: where-

whereas the Parliaments doe but jeiunely *hobble on* with some *new title* to the *old story* of the *Kings* being *seduced* by a *malignant party* of *evill councellors* not be *confided in* to the *levying war* against his *Parliament*: and rather then forfeit the reputation of *wit*, (a catching thing) these *witlings* must adhere to the society of *wits* to the death, one *Parliament Declaration* doth more *untune* and let down their wit-ships *fancies* (forsooth) then five times as many lines in *Petronius*, or *Tibullus*, or some other *bawdy Poet* can raise or set right again. I confesse the papers abroad in His Majesties name, doe out-word, out-language those of the other side quite, but as a great State-man, and one of our owne well observes, *Nihil odiosius sapientiæ acumine nimio*, There is nothing more hatefull or injurious to true wisdome, then an affected, worded wittinesse, which alwayes in a Discourse (especially of Affaires of State) makes it lyable to *Diogenes* his censure of a Tragedie much commended, *That it had been a good one if a man could have seene it for words*. The Ancients therefore made *Arachne* the Spider very hatefull to *Pallas* the goddesse of wisdome, decreeing her to be banished, and swept with all her *webs* quite out of her *pallace*. These wit-racks, these *operosæ nugæ*, these *laboured nothings* (as the *School-mens cob-webs* were justly called) that do *magna conatu nihil agere*, take much paines to say little, and doe lesse, they are not onely below the true *Majesty* of a Discourse in matter of State, but do exceedingly betray the *businesse* of it too. *Vocum aucupes* (the proverb tels us) are *verum proditores*. It is to be supposed, no man (especially in affaires of State) would otherwise render his cause suspicable, by *facing* it with *words*, but that he hath not *matter* enough to *line* it *through* with. No, Truth tis a chast Virgin, and is contented with her own native *beauty*, and in her dresse of language, feares so much that of the wanton, to be *ipsa pars minima sui*, her self the least part of her selfe, (as the Poet in respect of her many borrowed helps styles such a one) as she rather modestly affects the gravity & plainnesse of the Matron. The Philosopher being asked, What state was happiest? answered well, That it was that state wherein *Lawyers* are more esteemed then *Orators*, and *Laws* then *Lawyers*. Now if a man would, the better to *undeceive* and *disabuse* himself, in earnest *resolve* and *strip* the language of these paper magazines of wit, into their plaine *logique* and *reason*, hee should find such doughty Herculean Arguments as these, *viz.* that common one *à periculo*,

Raleigh.

 Why

Why may not the Houses of Parliament that have already invaded the prerogative of the King, proceed to doe the like unto the property and liberty of the subject (i.) of themselves? Nay, tis *they that actually goe about to destroy the priviledges of Parliament, and known Laws of the Land, that a faction of them may have the arbitrary government of the whole Kingdome in their owne hands, to raise themselves by.* A shrewd *danger* (I must confesse) and as strong an *argument* concluding from it, if it could first be proved that the Members of both Houses were all raving *mad*, bent to their owne as well as the Kingdomes apparent ruine, which must needs ensue if *priviledges* & *liberties* be once destroyed. The quarrel betweene the *Prerogative* on the one side, and *Parliaments, Laws, Priviledges, Liberties* on the other, is very old, but that *Parliaments, Laws*, and *Priviledges* should fall out among themselves, and labour to undermine each other, (that cannot more subsist one without the other in the same nation, then the sun and light in the same heaven, bloud and spirits in the same heart) it is a quarrel that can never certainly fall within the compasse of any sober imagination, & what *Faction* I pray can the *overvoting part* in Parliament be, is it not the virtual whole? and what faction can the whole make from itselfe? And for their ends of raising themselves hereby, it must be doubtlesse by the gainfull state and houshold *offices*, and have not many of the Lords and Commons too already lost such places, by standing for those priviledges, liberties? &c. And for those pretended inchanters of the rest, let it be put to the tryall, (for there is no other casting way herein) and see if they be not all contented to lay at His Majesties feet (would Hee please to come in peace to His Parliament to receive them) all such places, provided they be not disposed of to the apparent ruine of the State; if they doe it not them, let them passe for right *cheaters*, that doe but lose their *owne* at first (as *cheaters* use) to draw on *His Majesty* into *deeper play*, even for his Crowne, and all ere they have done, (as is pretended.) Such another Argument is that *à majori*, the *major part* of Parliament is *absent*, &c. as if it could be any actuall *part* at all if *absent*. And just such that too, *à causa sine qua non, Without the Kings Writ they are no Parliament*, and therefore assembled, can doe nothing without his actuall consent. They might as well argue, *Without the election of the respective Shires and Burroughes, they could not have been members*

and

and therefore now *elated*, can doe nothing without their *consent*, for which they serve: or that because a King is not such a subject a King without that subject, therefore he cannot governe him, but as the subject will.

Well we see what *swelling*, *empty*, *windy bladders*, these *Honour* and *wit*, *Ambitions*, are, and shall they weigh heavier with them in the *scales* of *assistance* and *hazard* then the most solid and *staple* concernments shall with you? it is truly said of *honour* and *wit* both, *Paucos beatos plures perdiderunt, sed & quos magis beatos, magis perdiderunt*, they have raised some, but they have ruined more, and those most what whom they have most raised they have most ruined, and shall the worlds *Ecce* be more prevalent upon those *mancipia popularis aura*, slaves of popular breach, then Gods *Euge* upon you? doe but *wring* those tuberous *puckfists*, and you shall finde them full of nothing but of *winde* and *smoake*.

The foure bare pretences are
- Loyaltie,
- Laws,
- Liberties,
- Religion.

Loyaltie.

Loyaltie in the Law phrase is *Ligeantia debitum* the *duty of Allegiance*, binding every Subject to defend the Kings person and authority, wherein *Law* hath a double office; First, to *binde* the Subject to it as his *duty*, then to *guide* him in it, as his *rule* therein, therefore the phrase of the *Statute* enjoyning it, is *according to the duty of his Allegiance*: Here then is the *falacie* and errour of these pretenders to *Loyaltie* in His Majesties present Army, *à male devisis*, they divide what the law inseperably conjoynes, the *obligation* and the *rule* or direction of *Loyaltie* or allegiance in this defence, they do it, but not the duty of it, or not *according to the duty of Allegiance*, the gathering into an *Army*, though by His Majesties personall *Command* without *consent* of Parliament, being flatly against *Law*, even a Law of this Parliament. But it will be said, is not the Parliaments Army levyed as much against Law as the other, being done against the Kings consent? I answer, the Parliament (for now at least we may call it so without His Majesties personal joyning with it, not onely be-

Coke l. 7. *Calv.* case.

cause

cause in His *politike* capacity as *King*, he cannot be by Law divided from it, for if he still be the head, it must still be the body, without which he cannot be a head, at least in relation to it as a body, but because (besides its end of supply and power to judge, when defects of government shall threaten the ruine of the State, both given them by the originall frame of the very government it selfe), now by the late *Act* against *dissolution* the two Houses are (in case of His *Majesties* refusall to follow their counsel in the preservation of this Kingdom) a Parliament to all offices, in order to that preservation, for if His *Majesty* shall by his denyall at such a distance, and in the midst of such a counter Counsel to theirs as he is in, dash all they shall consult and resolve on in order to the Kingdomes safety; what have they or the Kingdome gotten by this act for continuance, more than a liberty to keepe the doores open, and the benches warme, by sitting in their Houses while they please? and indeed (to say truth) by the pretended arbitrarines of *His* Majesties negative voice, what else to the future needes of the State comes all that to, which His Majesty so often stiles the just priviledges of Parliament, and concludes this *Kingdome* so happie in? Is it a liberty onely to withhold their consents to subsedies, until His Majesty be induced to signe their Bills? a precious priviledge indeed, enabling its counsel to hang a whole Kingdome, two or three, upon the wants or will of the King, or rather upon His bare will onely, for it is in his own choice (especially as courses are now taken) whether he will want or no, and what is this lesse than Arbitrary?

But (waving the act against Dissolution, and attribute of Parliament both,) no man can deny the two Houses in Session to have the power of a *Court* without the personal concurrence of His Majesties consent to (at least) their *judgements* when they proceed that way against *Delinquents*, and then the difference in point of *Loyaltie* will easily appeare betweene the two *Armies* now afoot, together with the reasons why by force of Armes the Houses may apprehend and imprison unto tryall Delinquents, and His Majesty cannot: In a word, it is because he is personally no legal *Court* of Justice, had His Majesty according to Law, (*i.*) by *writ* out of a *Court cognizable* of the *cause*, & *competent* to the parties, proceeded against the five Members and other Citizens since accused, no question he might by authority of that *Court* so cognizable, wherein the Law placeth such

power,

power, have raised an *Army* in pursuance of their attachment. Every ordinary *Court* hath such a power by a *Writ of assistance* to the *Sheriffe*, commanding him by force of Armes to apprehend such as are contumacious to its authority, whether His Majesty consent or no.

We see then how easily this cob-web of pretended *Loyalsie* is blowne away, and these *Loyalists* appeare right *Layolists*, the Kings greatest enemies of all other, enemies to his *Crown* and *Dignity*, both *bottomed* on the *Law*, the very *rule* of all *duty of allegeance*; but doe they not pretend to *Law* too? Yes, and we shall next see how truly, onely by the way, that this of *Loyalty* is but a pretence, and that a weak and sickly one too, appeares, if it be but by the unequall beating of its pulse: Where was any of this zeal to His Majesties cause, or care of his safety, or love to his service, when the Scots Army had (in the sence of these *Loyalists*) invaded the Kingdom? in oppugnance of all these, the *Digbies* and *Astons* were then content the *Hothams* and *Chawmneys* should then play the Loyalists: was it because the King was lesse concerned then? No, but because they are more now. What a sordid selfe-enslaving Nation are we become, that (as we doe by *fashions*) can like *every Nations freedome* but our own? must be Traitors for what the Scots were good Subjects by Proclamation, and must deserve nothing but *death*, for what they had *thanks* and *pay* to boot.

Law:

THere is nothing more frequent in the mouthes and pens of this pretencefull party, then the *known Laws of the Land*, (wherein not to except in the word [*known*] against their *known usurpation* of the peculiar office of *Parliament*, which is to *know*, and definitively to judge of the Lands known Laws, and we see how needfull such an office is to be restrained to its own proper spheare, now when every side, and almost every man is a *pretender*) The three things they charge the Parliament with to have proceeded against the *knowne Laws of the Land*, are the taking the *Militia* from the King, the taking up Arms to keep it from him, the binding his Subjects by Ordinances to assessements, for the maintenance of those Arms. As for their imprisonment of Delinquents beyond the remedy of any Writ of *Habeas Corpus*, however so much inveighed against, it is enough that

if not a *Parliament*, yet they are (not dissolved) a Court (at least) without His Majesties concurrence, able to proceed by way of *Judgement*, as well as *Bill*, and the *highest* Court, and so not *superseda-ble* for matter of the parties *Appearance* by any *Writ* from any *Court* whatever.

Well, first for that of taking the *Militia* from His Majesty: I answer, His Majesties former *Patents* of *Lieutenancie* were by the *known Laws of the Land* confessedly void; being so, His Majesty was by the *known Laws of the Land* to provide for the Kingdomes safety, in the disposall of this its *Militia*, and that by the advice and consent of his and the Kingdomes *Councell*, onely able sufficiently to judge of mens fitnesse for trust herein, (that all the Officers of publique trust in the Kingdome were anciently chosen by Parliament, see the margent) His Majesty refuseth so to dispose of it, but strives in pur-suance of other apparently mischievous *councels* (whereof the Houses had sufficient knowledge, and were the onely competent *Judges* what by the Laws of the Land is herein to be done) to put into the hands of those *known* mischievous *Counsellors* or their adherents, (nor may it be objected that it is more then is *knowne*, how His Majesty would have disposed it, for would his Majesty then or now exclude such as are the apparent and voted enemies to the Kingdomes safety from this great trust, the Houses were and still are ready to submit to such his Majesties disposall) what then in such a case of imminent ruine to the Kingdome, and his Majesties refusall to prevent it, shall this the Kingdomes *Councel elected*, and *entrusted* by it do? what but (rather then to betray their trust, and the Kingdoms necessitous safety with it) to have recourse unto the *Fundamentall Laws* or *constitution* of the Government in that its temper of the three estates to its *end safety* in the disposall of this its *Militia*, the onely *meanes* to that *safety*, by way of *ordinance*, untill his Majesty shall please they may joyne with him by a *Bill* herein.

Rich. Earl of *Warwick* in the time of *Hen. 6.* chosen in Parliament, and that because his office much concerned the State, he refused give up his said office, but in Parliament, whence he received it. *Stowes Annals, pa. 669.* & *Cowels Interpreter, verb. Parliament.* 11 *H.4 Parl. Rol. num. 44.* Privy Councellors chosen in Parliament, *fo. 54. Ed. 3. n. m. 10.* The Lord Chancellour anciently chosen in Parliament. *Lamb. Æthelton pa. 48. Dan. Chro. pa. 139, 195. Wendover* Bishop of *Chester*, Lord Chancellour, in raigne of *Hen. 3.* desired to deliver up the seal but in Parl. whence he receved it. *12. Mat. Paw. & vit. Hen. 3. pa. 22.* The Lo. Treasurer so too. *Lamb. Æthelton. pa. 48. Dan. Chron. 139. 195.* Lord Admirall so too. *Parl. Rol. 2. fo. 19.* Lo: Chiefe Justi. so too. *Lamb ibid. Dan. ibid. Vit. Hen. 3. p. 22.* and upon the disuse hereof complaint is made, *Dan. hist. of Hen. 3. Anno 1248.*

Next for the taking up of Arms without His Majesties concurrence,

rence. I answer, that as a Court able without His Majesties actuall concurrence, to proceed by way of *judgement*, they are enabled by the *known Laws of the Land*, to make use of armes to the bringing in of such contumacious delinquents, as are triable by their judgement, and already in hostile acts of imminent ruine to the Kingdome, and if so (as hath appeared before) then certainly are they by the *same known laws enabled* to leavie *money* for the maintainance of those *Armes*, otherwise how ridiculous and invalid were that their power of judgement?

But now on the other side, what *knowne Lawes* hath the adverse *party* proceeded by in all this war? by what *knowne Laws* hath his Majesty without the consent of Parliament levyed Armes? is it not against the *known Law* of *Magna Charta*, the *Petition of Right*, nay against his owne late *known Law* of Presse or Levy in this very *Parliament*? by what *knowne law* hath he against the *known law* for this Parliaments continuance, (to dissolve or remove it) sent for the Members of both *Houses by the known laws of the Land*, personally to attend their houses under a known penalty? by what *known laws* have Delinquents to *known law* been invited and detained from the *Houses* power of judgement, by *known law* theirs, nay such as have been in open rebellion in *Ireland*, or flight in *Holland*, or broken prison here at home, against the *knowne lawes of the land*? by what *knowne Law of the Land* have there been issued out and pressed on with the utmost of violence *Commissions of Array* without any *known invasion of the Land*, other then by such as were sent for, or other (too well known) *commissions* to *knowne Papists* to take up arms against Religion and the State, to which they are knowne enemies; and that in *knowne* full Armies, who by the *Knowne laws of the Land* are not so much as to have Armes in their house, nor to come within ten miles of the Court? Lastly, by what *knowne Laws* of the land, whereby His Majesty is bound to protect his Subjects in peace and safety, are so many of those his Subjects, by and for *these knowne enemies* so cruelly *murthered*, *plundered*, and the rest so deepely to their undoing assessed, and that if not by His Majesties *knowne* appointment, and to his no lesse *knowne* contentment (at least) by the *knowne* abuse of his *Majesties knowne* authority therein these outrages are become? I confesse too much *knowne*, and too much *knowne* too, and so deeply already *written in blood* with *steele*, and that upon so large and lasting

a marble of the Kingdomes ruines, that *he that runs may reade them*; and the eye that reades them cannot but run downe with teares: If these be the Laws these pretenders meane that they proceed by, wee may iustly conclude with the *Historian* (speaking of *Nero* and *Nerva's* reigns) *It is better to live where nothing is lawfull, then where all things are lawfull*; here it is too true, *Leges seges litium*, these Laws are both the seeds and fruits of Warre.

Liberties.

UNder this head wil fall as the *Liberties* of the Subject, so the just *priviledges* of Parliament, and *prerogative* of Majesty too, all three earnestly pretended to, but (to speake in earnest) no better then in meere jest and scorne. I wil not undertake to give limits to any of these three, it wil be enough to see wherein they chiefely and unquestionably consist, and how much abused by these pretenders.

Those of the Subject are especially three, mutually reflecting from the relations of *King*, *Parliament*, and *themselves*, each to other. First, *To be governed no otherwise then by Lawes*; Secondly, *To consent to those Laws*, Thirdly, *To be protected in those Laws*. Now to begin with the first, What Laws were the poore people of *Brainford*, *Marlborough*, *Cicester*, *&c.* governed by? who (at most) onely because their Towns were possessed by Souldiers of the other side, without any act of hostility in them, were by these pretenders *plundered*, *mangled*, *murthered*, even to a *prodigy* in that very prodigie it self, war? or if it were enough that they dwelt so neer His Majesties *Garrisons*, by what *Laws* were the poore *Plowmen* at their work who (*Solomon* sayes) *maintain the Throne*, lately robbed (by these pretenders) of their *horses and Cattel* all the Countrey through in *Northhampton* and *Warwick-shires*? I must confesse if (as the Turkes rule is) the best way to governe a People is to make them *tame*, this is the right way of government, but for the Law of this government or (wherein the second liberty consists) the peoples consent thereto, I never heard of any until that no lesse dangerous then new law of *Conquest* (so much by these pretenders talked of, of late) and that yet *newer* way of consent, by the peoples *representation* in the King, else what consent have they given to the late *assessements* upō their estates in *Barks*, *Oxfordshire*, and *Yorkeshire*, even above their racked values, while

while the *London Taxes* can be no lesse then *Sacriledge*, because it is halfe a Tithe. Lastly, what *protection* in the *Laws* hath the poore Subject: whom it is Law enough to murther, because being thrust out of the Kings *protection*, they dare be so bold as to obey God and nature in defending their own lives; how well the late practises with the *London Apprentices* conduce to the Subjects protection in the peaceful enjoyment of the Laws is but too evident.

Where there is no election, there can be no representation, at least of consent.

Next for the just priviledges of Parliament, these three are unquestionable. First, to bee not onely a *consulting* but a *consenting Counsel* to the making of *Laws*. Secondly, to be as a Counsel of consent to make Laws, so a *Court* too, both of judicature to give the last resolution what is Law, and of *justice* to compel delinquents to it if neede be by force, and this as well as other Courts without his Majesties actuall concurrence. Thirdly, A *Court* that hath at least some peculiar *priviledges* of its own above other Courts, otherwise what do these pretenders themselves talke so much of the *just priviledges of Parliament*? For the first, it is of all hands granted: For the second, nothing is more evident then that the Houses without his Majesties personal concurrence are a Court, & as when they proceed by way of Bill in the making of Law, His Majesty hath his consent; so when by way of *judgement* both upon the Law it selfe, and delinquents to it, his Maiesties consent is not needful, and yet the *judgement* in such a case usually in the Parliaments Rolls, styled the iudgement of Parliament too, and if a *Court*, why not to have the power as well as other Courts (inferiour and lyable to its iudgement) able to binde by decrees, and by armed force to compel contumacious delinquents to its iustice, and so to proceede to *fine, imprisonment, &c.* as wel as other Courts? and if this be a priviledge of Parliament, can any man be so lost to all reason, as to beleeve that *delinquents* to a *Courts justice*, will fight for its just priviledges, is not that very fighting for them without their leave, in evidence an absolute fighting against them? Besides, if the highest *Court*, from whose *judgement* there is no *appeale*, do not the contrivers of his Maiesties late propositions in the 2, 3, and 5. strive utterly to eradicate its *priuiledges* in requiring it to renounce its *sentences* and iudgements as illegall, and in chargeing it to obey *Writs of Habeas Corpus* from inferiour Courts, in behalfe of those its delinquents, and to give them up to those other Courts to be tryed in their way by their

How truely tumults were aleadged as the causes of His Majesties removeall appeares by their invitation now to prepare His returne.

Peeres. Lastly, if it have any of those iust priviledges, peculiar to it from others, why do these Pretenders and Propositions throughout strive to tye it in all its intermediat proceedings of Votes and Ordinances, fines and imprisonments to strict Law, the rule of inferiour Courts? If the strict letter of the Law must regulate all their proceedings in times of utmost danger; how are they privileged above every other Court, nay, every other Subiect, how much more straightned herein then every ordinary Court of equity? nor wil it serve turne that their consent to the making of Law is *priviledge* enough, for that is at most but *one*, not *priviledges*, and not so much as one, if they cannot binde whom they represent, and who in Law they virtually are, without the consent of a third, what priviledge is it to have power to doe that, which another may choose whether it may be done or no? Nor is this priviledge of binding by *Ordinance* invasive to the Subiects *liberty*, for it is his *consent* to what he is to be governed by, wherein his liberty consists, the which hee still hath as fully in an *Ordinance* as in an *Act*, not that an Ordinance should bind as largely as an Act neither, whether in extention or duration, for that, it bindes not the King as an *Act* doth, because hee no way consents, nor doth it as an *Act* bind after the Parliaments dissolution that made it, and if it did not while it sate, wherein lies the blessing of a trienial Parliament, if (without his Maiesties consent, which he may withhold at pleasure) it can onely binde its own members and no further, what represents it in all this? wherein lies the difference in Parliaments (as in all things else) betweene none at all, and to no purpose, betweene never a whit at all, and never a whit the neere? unlesse it be that difference between the famine of earth and that of hell, that this later doth by shewing us a Parliament Tantalize our hunger into the greater torture.

But you wil say, What then becomes of the third and top branch of this *liberty*, or *priviledge*, the *prerogative Royall*? wherein lies that? to which though I dare not set it bounds, yet under correction, I may name these three arising from the several relations his Maiesty stands in to his *Parliament*, *Lawes*, and *Kingdom*.

1. However the Houses may binde questionlesse by *Ordinance* whom they represent, and by whom they are intrusted, while they continue in those relations of steed and trust, yet because the obligation arises from those relations of *representation* and *trust*, and those

Laws i.e. ordinances made by ye Parliament, do not oblige ye King unless he consent, although they oblige ye people whom they represent, they being

those relations are not betweene his *Maiesty* and the *Houses*, I conceive his *Maiesty* obligeable by an *Act* onely whereto hee consents before it be one: thence the Lawyers derive the word *Prarogative*, à *pra & rogando*; his consent must be first asked and obtained before it become an act to oblige him. Thus for his prerogative towards Laws to be made. Coke. institit. par. 1.

Next in relation to Laws already made (I conceive) they have no inflictive power over his *Maiesties*, either *person* or *authority*, the one is not punishable, no not triable by them, the other is not forfeitable or diminishable by its abuse to them, either would imply a superiour in the government which his Majesty hath not; When *Bracton* calls the Parliament the Kings superiour, it must bee understood, as I conceive, *in sensu composito*, inclusively to his *Majesties* concurrence with it. That which *Aquinas* observes out of *Austine*, for ought I know is good Divinity and Polciy both, that if the Law have not a *directive* and *regulative* power over the *King*, it is not *Regnum*, but *Latrocinium*, not a Kingdom, but a more honourable kinde of Rapinage; and if it have an inflictive power over him, it is not *Regnum* but *tumultus*, not a Kingdome, but a tumultuous Anarchie; for that the hand wherein the law should have such a power, must be superiour to the King, and so the King not head: So that in relation to the Parliament he is both unpunishable and unforfeitable in his person and authority.

Lastly; in relation to his people in generall, his just prerogative is their allegiance, which (as we have seene) implies not onely *obedience* and an *obligation* in that obedience, but the *rule* of both that obedience and obligation, and that to be Law: thence the phrase is, *according to the duty of their allegiance*. Nor in this restriction of allegiance to Law as its rule, are any of those *jura regalia* (that *Tholosanus* and others that write there of mention) any way denyed his Maiesty, six of them are usually named, *Judicatoria*, *Potestas vitæ ac necis*, *Bona adespota*, or *incerti dominii*, *Armamenta*, *Census*, *monetarum leges & valores*, (*i.*) Judicatoryes, Penalties, Concealements, *Militia*, Tribute and Coynage: all these are the Kings *regall* rights, but as regall, so *legall* rights too, (*i.*) Not onely in this Monarchie given him by Law, but claimeable too in their exercise onely according to Law; all the rest (as well *Tribute* and *Penalties*) his rights no further then the *Law gives* and *regulates* them. Thus we see the *Liberty* of 6 Jura regalia

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the Subject, *Priviledges* of Parl. and *Prerogative* of Maiesty, are *relatives*, and doe *in vicem ponere*, mutually imply and fasten each other, and it is *Law* is the sinew or cement that so fastens them: and therefore what more ridiculous then for those who are in *Arms* flatly against *Law*, to pretend they fight for *Law*? that the Parliament as a Court may use Arms without the Kings consent, to compell Delinquents to its Justice, it is the very life and scope of the Law, *Execution*, that the King should be able to doe so without the legal consent of Parliament, tis so far from *Law*, that his own act this very Parliament denyes it him. And the reason is, because the King, though he makes a third coordinate Estate with the Houses, yet he is not in person cognizable of any Delinquencie, which faculty resides onely in his Courts, wherein his Authority is exercised.

Religion.

THat they may not want at least a pretence of *Religion*, (having little else) *constancie* and *unity* therein, (the old Popish pleas) must be cryed up, if it be but somewhat to cry down the noise of their blasphemies and bloud-shed: A constancie to the *Religion of Queene Elizabeths dayes*, is therefore in the first place strongly pretended to, as if Papists and Atheists, open scoffers of all Religion, (such for the most part they are) could like that or any other. No, tis a rule in Practicall Divinity, that those two Atheismes, *Vine* and *Veti*, of Life and Wish, doe mutually infer each other; he that lives as if there were no God to punish, cannot but in his heart wish that there were no God to punish, or any Religion at all to make lyable to that punishment. It is the usuall practice (as in point of worth among your common sort of degenerate Gentry) of such as have no Religion of their owne, to think to beare themselves out by pleading the Religion of their Fore-fathers: and therefore the *Martyrs* of Queen *Maries* Raigne, that sealed the already established Religion with their blond, are strongly urged too. But let us examine the truth and weight of this *Plea*.

For the Articles of Doctrine wherein the substance of Religion wholly consists, and which onely those Martyrs sealed with their bloud, (for if the Cause makes Martyrdome, we must not think them so prodigall of their blood as to dye for the Crosse in Baptisme, the Divinity of Episcopal Institution, a Surplice, or curtyze at the name

name of *JESUS*, we must not make them such Circumcellions) these the Articles of Faith are not in difference, it is but the rituall, and but exteriour part of Discipline that is in question, and herein this and every State hath I hope the same successive power, which it had in Queen *Elizabeths* reign, or any others, to vary it to its own emergent interests and wisdome. If we could not now otherwise take it, the very *Act* it self for the *Uniformity of Common Prayer* in *Queen Elizabeths* reigne, would at least give us this *liberty, To take order for, and ordaine such other and further Ceremonies or Rites, as may be most for the advancement of Gods glory, the edifying of his Church, &c.* But are Papists (think ye in earnest) become such Zelots of *Q. Elizabeths* Religion, as to fight for that which they then scornfully branded with a *Feminine Parliamentary Institution*, pursuing her (*our Pope Elizabeth, as they usually styl'd her*) with so many *Bulls, Conspiracies, Wars*, and *impoysonings* throughout her whole raigne for it? However he that shall read her raigne, and consider the many feares and dangers *Q. Elizabeths* Crown was lyn'd with, will not wonder if she used some mollifying wayes of complyance in these things of indifferencie, whereby to make it sit the easier and the faster on her head. Her brothers whole raign upon the change of Religion infested with continuall *Commotions* in *Cornwall*, and generally all the *West* over, *Norfolk* and *Yorkshire, Northward*: Her own Title scrupled by her birth, weakned by her sexe, her Nobility and great ones most what Popishly affected or allyed, with no neighbour Prince of her Religion to give it the least assistance or countenance, taught her to proceed *sine salta*, by gentle pawses and approaches in the work of *Reformation*, and to leave much of its *consummation* to after-times. Nor did it but much concern the State in that first attempt of alteration to leave Popery herein, no faster nor farther off then might stand with an endeavour to winne upon it, if not in concurrence, at least in patience; nor doth it now lesse concerne the state after so long experience of not onely the averseness thereto, but advantage thereby taken by Papists, to withdraw yet further from them.

Nihil Lege!

It was the policy and resolution of the *Counsel* of *Trent*, *Therein as much as a half Reformation would not win the Protestants, and a whole Reformation would lose themselves, (for that if it were once acknowledged, that they needed to reforme in any thing, it would easily be concluded they*

might possibly err in all the rest) to reforme nothing at all but by imbittering the adverse to hold their own party so much the faster. But we that hold our-selves but a *Nationall*, and so a particular *Church*, and so not onely lyable to error, but apt as well to gather new rust, as to warp from our first straightnesse, doe even therein acknowledge the work of *Reformation* to be of a *transient*, not a *permanent* or standing nature, alwayes occasionally a *doing*, never unalterably *done* at once.

I confesse *Alterations*, though but in externall rites and formes, (so apt as they are to breed stormes, and State-quakes) should be as sparingly as necessity will permit, admitted; alterations being not onely dangerous because to the worse, but even because alterations; *Quantum utilitate juvant, tantum novitate turbant*, (as Saint *Austine*) what they help by their *betternesse*, they often hinder by their *newnesse*. And therefore *Augustus* his course herein is commended by *Tacitus*, who though he changed the things, yet he kept still *eadem magistratuum vocabula*, and thereby *res tranquillas domi*; the old names, though new offices, and so the old quiet too. And yet *Phylosophie* and *Reason* it selfe will tell us that there are some *Alterations* as well *perfective* as others *corruptive*, without which there can be no recovery or improvement in any thing whatever.

But were they not *Bishops* that were the first *Reformers*, and *Martyrs* both? (as it is the constant plea of these pretenders of this *constancie*) and yet so *inconstant* are these new *Reformers*, (say they) that their very *Order* is *voted* out of the *Church*.

66

Resp.

To which I answer, Some of our first *Reformers* were afterward *Bishops*, few or none at the time of *Reformation*; nor was it the *Order*, but the *men* that wrought and sealed it with their bloud. How boyish a *fallacie* is this, *à dicto secundum quid ad dictum simpliciter*, (as Logicians speak) some were *Reformers* that were *Bishops*, therefore *Reformers* in that *Bishops*. These *Episcopists* would be loth to have it argued thus of themselves, Some are *Souldiers* in the Oxford Army, that are *Blasphemers*, and therefore *souldiers* in that Army in that *Blasphemers*, the *quatenus*, or *in that*, their Alexandrian Aristotelians at *Oxford* will tell them, being alwayes either *reduplicative* or *specificative*, would so conclude all the Army *Blasphemers*.

But to give the *Parliament* its due herein, the strictest Members in it that ever I could meet with, professe that they have not Voted against

against Episcopacie as *Antichristian*, or a *limb* or *claw* of the *Beast* (as the Brownists vse to call it) or as thinking the *Order* unlawfull, or a *Bishop* unpossible to be a good man: but finding by experience Bishops to have been the breeders of all the former pressures and present danger of the State, and finding by reason too, that (being by their hopes, interests, and total dependances Court-creatures) they wil in all likelyhood (every things *operari* being according to its *esse*, its *working*, according to its *being*) by clawing the Court with doctrines of Arbitrary Government, doctrines by so much the more welcome there, as they give it a larger power of advancing the Court by enslaving the Countrey) be still such. Besides, seeing how apt this *Order* of *Episcopacie* is (like some trees after paring and lopping) quickly to recover its heighth againe, (as appears sufficiently by the *Acts* of *Glasgow* and *Perth* in *Scotland*, where after it had been at *Glasgow* lopped to the very stump, not long after at *Perth* it recovered a greater height then ever) they have resolved (upon the uniuersally good successe of *Scotland* in the like course, and the happinesse that must needs accrue to both Kingdomes from an uniformity in Discipline) to Vote it quite away, root and branch. Thus we see how weak this plea of *constancie* is against *Reformation* in Religion (especially) in the mouthes of such as are constant in nothing so much as a *constancie* in *Irreligion*.

Next for their pretence of fighting for *unity* in *Religion*, against whole *Armies* of *Schismatikes* and *Sectaries* (if you wil beleeve them or their *Nuntius Propheticus*) all in and about *London*, and all countenanced, as is pretended by the Parliament, Let us see what weight this carries.

First, That Unity is no certain marke of the truth in a Religion, our Divines have sufficiently made good against *Papists*; the *Papists* that unjustly boast it against us, are much more justly out-boasted in it by Turkes. The Apostle tels us that the true Church needs such *divisions that they which are approved may be made manifest*.

Next, (Besides that most of these Sects pretended, have no other being but in the malicious breath of the pretenders, whereby all they can to blast Religion, with whom it is Sectarisme enough for a man to pray with, or instruct his Family and for those that truly are, and are by all good men wisht they were not (besides that they are (most what) but *ritualls* about things indifferent, such as do

rather

rather (at most) *fret the hem* than *rent the garment*.) How doth it appeare that the Parliament doth any way countenance them? hath it not prest on by all possible instance the *Bill* for the *Assembly*, whereby to represse such Sects and divisions? they are Judges and not informers, and have they not always expressed a readinesse to punish according to Law all their outrages upon information? doe they not in their own persons diligently frequent Common-prayers? The truth is, this Kingdome is in matter of Religion, betweene *Zealots* on the one side, and *Libertines* on the other, troubled at once with a *hot liver*, and a *cold stomach*, and such a crosse disease requires a carefull Phisitian, lest while he strives to *coole* the *liver*, he *kill* the *stomach* out-right. In such a case (the *native heate* being the first principle of life) the stomach must be first consulted: so ought the care here in the Kingdomes recovery in matter of Religion, rather in the first place endeavour to cherish the native heate of its stomach against open *prophanenesse*, and then to coole the intemperate heate of its liver against more privat and lesse dangerous zealotisme.

The true designes of this War are foure. The
- Disparliamenting Parliaments,
- Unlawing Laws,
- Enslaving the Subject,
- Unbottoming Religion.

HE that will but cast an intentive eye upon the whole carrying on of this *Wars* designe in all the severall offices, attempts, and pursuits of it, wil easily through all these *pretences* see it to be no other in the first place then the utter eluding and subverting of this (and in this) of all other Parliaments. It is a Maxime in nature, *Proprietatum deletio est naturæ negatio*, deny the proper *adjuncts*, and you destroy the *subject*. Now take the Parliament in what capacity you will, either of a *Councell of State*; or a *Court of Justice*, and these five Adjuncts are proper and inseparable to it: *viz.* *Freedome of Vote*, *Capacity to act*, *Faculty to judge*, *Authority to command*, *Power to execute*, and *Warrant to preserve* it selfe in all these. Now see how directly this *Antiparliamentary party* hath severally and successively endeavoured to subvert all these.

First, its freedome of Vote by the awe of the Army two years since

ſince to have been brought up from the North, ſince by the intended ſurpriſall of ſome of the Members in their Houſes.

Secondly, its *capacity* to *effect*, or *act* thoſe Votes into ſomewhat that may oblige, (without which what more were a Parliament then a meeting of the Lords and Gentry at *Hide-Parke*, or *Peccadilly-Hall* at a Horſe or Bowling-match) and to elude it herein, His Majeſty muſt withdraw to ſuch a *diſtance* of place as might either weary or retard them (though to the loſſe of ſinking *Ireland*) and which was worſe, to a greater *diſtance* of affection, with a *publiſht reſolution* not to grant any more Bills, of what need ſoever, but what concerned *Ireland*, that the bootleſſe indeavour to ſave *Ireland* might be a diverſion from the care of *England*, little or nothing leſſe concerned then the other, all ordinances the while utterly cryed downe.

Thirdly, for its *Judgement* in determining *finally* as the *higheſt Court* of the *ſence* of Lawes, a *Right* never before queſtioned, but by all other Courts and their Judges in all Ages ſubmitted to, how is it invaded and uſurpt by every *Lanſpriſadoe* of this Law-judging *Army*? without ſo mnch as asking the queſtion, Who made me a Judge? he will tell you in all the ambiguities incident to the preſent caſe, what is the *known Law of the Land*, and you muſt not doubt it, for he hath heard his *Corporall* ſweare it. There is not a paper in all this War diſcharged againſt the Parliament, but charges it to have proceeded againſt the *knowne Laws of the Land*, but the Propoſitions from *Oxford* goe farther, and charge it to acknowledge as much, and to renounce thoſe its Illegalities.

Fourthly, for its reputation and *Authority* of *Command* with the people, how hath that been vilified and blaſted, by calling, and flocking, and threatning away the Members of both Houſes (as many as would ſwallow any kind of bait) from their neceſſary and due reſidence, by *counter-voting* from *York* the *Kings reſolution not to take up Armes*, leſt the Drums and Trumpets already ſounding out defiance, might be too farre or too ſoone heard: by affording ſuch as in diſcharge of their truſt attended the ſervice, and ſafety of the State in Parliament, (becauſe they could neither diſſolve nor remove it) the ſtyle but of a *Remnant*, a *Faction of a few Sectaries, incanted by five or ſixe Conjurers among them, that can make the reſt dance*

in their circles, to what tune of Treason they please to whistle: whereas what matter who they be, if actuall *members*? or how many or few, if the most there? or how making a *Faction* or *Schisme*, when (in that the major part) the whole, the virtual body it selfe, all the Laws we have may so easily be waved, as but the *charmes* and *witchcraft* of seduced Parliaments: however to lessen, and if possible to loose this present Assembly, another Councel against all face of Law or Government must be assumed and followed, and that not onely of enemies, but Delinquents to its Authority, and now (at best) by His Majesties late Propositions they must treat with a distinct party of counter-Commissioners, to be chosen by His Majesty, as if the two Houses were not the representative *whole* of the two *Estates*, distinct onely to that third of His Majesty, and so could treat with any other then himself, without apparent violation of their *Fundamentall Rights*.

Fiftly, how hath its *power of execution* been opposed, by inviting, detaining, arming, bandying Delinquents to the utmost of hostility against its justice; nay its very being, and now by those late *Propositions*, denying it not onely power of *Fining* and *Imprisonment*, but of *tryall* too, other then *prepares* to avoid at least the share of the House of Commons therein.

Lastly, for matter of *warrant* whereby to be enabled to its own preservation, in these the Fundamentals of its being, a liberty and warrant given to every thing together with its very being, and even antecedent and superobligative to all after rules or bonds of well-being or societie, that same *inculpata sui tutela*, (as the Casuists speak) Natures instinct of self-defence, without which, Creation it selfe were a piece of improvidence, How hath this in the endeavours of this Parliament been branded with *Rebellion*, *Treason*, *designs of murder*, even of *His Majesty*, and the *Royall Issue*, what not?

The

The unlawing of the Laws.

LAw it is the *Charter*, the sodder of all society, the *Sanctuary*, the *flaming Sword* of *Right*, brandisht against all violence & wrong, without which man would be so much more *woolfe* to man, as he is more then such as are meerly brutish, armed with craft, ambition, envie & suspition unto all kinds of mischiefe, and how deepe a designe hath been carried on by these its pretended Champiõs against al the rights of Law, wil (if we consider what those rights are) easily appeare. The foure Rights, or rather Elements of Law are, its *Sanction*, *Declaration Obligation*, and *Execution*.

First, For the *Sanction* or enactment of Laws, how have they by pressing his Majesties utterly suppressing negative voice, therein laboured to strangle all Laws to all the future needs of State in their very wombe and birth? how wholy arbitrary were it so in the successive Kings meere wils, whether we should ever more hereafter have any Law enacted or no? and then what were Parliaments (wont to be called the Kingdomes great preservatives and Antidotes) but so many *State-fayres* (at most) wherein if the people could bid high enough in *Subsedyes* (may be) they might have a hard penyworth of Laws for their money (may bee) but suffered to cheapen them at most against the next Market: Questionlesse, whatever *tense* the word *Elegerit* in the Kings Oath be of, whether past, or future, yet thus much it wil carry, that it is the peoples election in Parliament, that is the *forma informans* that gives (if not the formality) yet the equity and reason of a Law: Nor is the phrase His Majesty is to use when he dispatcheth not a Bil, other then suspensive, not negative, *L'Roy adviserà*, the King wil advise, and with whom but his great Counsel, to be more fully satisfied by it in the reasons of that its election in the bil offered.

Secondly, For its right of *Legem dicere*, as wel as that of *Legem dare*, the final resolution what is the true meaning of the Law when once made, without which Law is but a ruffel'd skeine of silke where no end is to be found, a labyrinth without a clew, where men may sooner lose themselves then finde any place to sit down and rest in: That this faculty is necessary to reside somewhere in every State,

 and

and here with us necessarily so residing in the two Houses of Parliament, not (as some scoffe) infallibly guiding, but onely *inevitably* suspending from all other appeale or gainsaying, as the *highest* Court, to which all others in their single or joynt judgements are stil reduceable, hath beene largely proved in other treatises. Now how this right which is the very *Law* of *Law* (besides the usurpation that every one of that party makes, herein concluding what is the *knowne Law of the Land*) hath beene invaded and eluded, sufficiently appeares in the businesse of *Hull*, the Commission of *Array*, but especially the late *Oxford* propositions, wherein the Houses finall resolution in what is law, are called *illegall* and required to bee revoked.

Thirdly, For its *Right of Obligation*, Laws are no further Laws then as they *oblige*, *Leges à ligando*. Now what Obligations the Laws have had upon these *Out-lawers* even of *Law* it selfe, appeares in their disarming the traine Bands, charged with Arms by Law, to arme Papists with, charged by Law not to have Arms so much as in their houses: in their leavying of Forces, and chargeing of taxes for their maintenance without consent of Parliament, flatly against Law, and that to free delinquents from Law: *Necessity* that hath no *Law* is here no *plea* any longer, especially when now it appeares *disbanding* of all sides is thought an unreasonable motion from the Parliament, doubtlesse where disbanding of all force is not a welcome motion, necessity of defence by force is no just *Plea*.

Lastly, For the life of Laws, their execution, without which law is at least but Justices bare Scales without her Sword, a pistoll charged onely with powder, that can at most but threaten and make an empty noise: What other hath the whole designe of this war beene, than one patched *stratagem*, whereby to disarme and baffle it herein? That the Two Houses of Parliament without His Majesties personal concurrence is a Court of justice, and so not to bee denyed the priviledge of every inferiour Court, to pursue to execution of its justice, upon contumacious Delinquents by armed force, hath sufficiently appeared. This was the ground of the Parliaments levying Forces, not whether a Bishop or no Bishop; no, nor whether Reformation or no Reformation; but whether Law or no *Law*: whether a Sword or an empty sca-

ſcaberd? whether a *living Law* or but a *dead* letter? whether the execution of *Laws* ſhal bee active or paſſive, whether of *Laws* upon delinquents or of delinquents upon *Laws*? and conſequently, whether a Kingdome or no Kingdome? and how hath delinquents by *Law* been not onely detained from it, but called, conſulted, commiſſioned, armed, banded againſt it with the utmoſt of publike violence, even to the wonder of all ſober men, that there ſhould be ſo much as one beſides themſelves ſo far loſt to all care of their own and the Kingdomes ſafety, liberty, Religion, as to make up a party againſt the execution of its *Laws*, or that the whole Kingdome ſhould not be gathered together as one man in their defence? how doe all the elements of nature to avoid a vacuity forget their own proper centers, and move even with a naturall violence againſt their ſpecifique courſes, to the prevention of ſuch a *discontinuity* in any part, as would bee ſure to deſtroy their whole frame? Laws are the Kingdomes *joynts*, whereby each part is tyed to other, which once cut aſunder, muſt needs diſcontinue and unjoynt the whole frame to its certain ruine: Nor is it to any purpoſe that is uſually objected, why doth not the Parliament then proceed to the execution of Laws upon Delinquents, ſuch as they have already long ſince attacht? The Marriner might bee as wel asked why hee doth not firſt begin to pumpe, before hee goes about to ſtop the leake? or the Surgeon why hee doth not begin to ſaw off his patients rotten legge, before he hath tyed faſt his hands? Philoſophy tels us that all motions are *à removente prohibens*, and the Apoſtle himſelfe will tel us, that *that which lets muſt firſt be taken out of the way*. 2 Theſ. 2. 7.

The enslaving of the subject.

IN all mixt Governments, as this is, it cannot be avoided, but that (though the mixture be a great security against *Anarchy* on the one side, and *Tyrannie* on the other) yet there will be some jelousies, and emulations, and attempts of encroachment between the severall Estates, each toward other: wherein alwayes that of them whose strength and influence upon the other (as that of the Kings here with us) is more advantaged by all the helps of entyrenesse of power, singlenesse of designe, depth of engagement, secrecie of councel, and power of reward, is most to be looked to as likelyest to gaine upon the other: Subjects are most-what divided in their ends, or interests, or counsels, and thereby much abated as well in their hopes as powers, and usually doe not set so high a price upon the encrease of their publique liberty, as Princes doe upon that of their Personall command. Hence is it that more *mixt* Monarchies have grown *absolute* ones, then absolute mixt ones.

Mens minds (not satisfiable with any thing here below) are (while here) more fed and raised with expectations, hopes and pursuits of what they desire, then with fruition of what they have: all the contentment our restlesse minds can here have, it is *desiderii*, not *complacentiæ*, (as the Schools speak) of the *way*, not of the *home*, that they are in a hopefull way towards what we desire, rather then at our journeys end. There were not so short or sure a way to make a man miserable, as to sit downe from all further expectation and pursuit in the present enjoying of all a man could here desire. Kings therefore (that have so much to feare, and so little to hope) mens minds naturally impatient of nothing more then of having nothing to desire, and herein well compared to mil-stones, that weare upon themselves while they have nothing to grind) usually make themselves work (as their interests and complexions incline) either by proposing to themselves the encrease of dominion abroad or at home, or of revenue, or strength: Sometimes (for want of greater matters) they strive to content themselves in the raising of some *Favourite* into a *Grandee*, or some heap of stones into a *monument* of their power or bounty, ordinarily (if of *complexion* melancholy) a tenacious

Ambition of the part of princes

racious pursuit of *gaine* and *liberty*, is that which gives *bent* and *bias* to their minds: Nor is it to be wondred at or condemned in *Princes* to affect and pursue *encrease* of power and command, (addition and encrease being desires naturall to all things, as aiming at preservation and safety) the sun every yeere gaines, and as it were layes up some houres (at least) of increase and advantage. Here is the common error, that Princes doe not think they can make this improvement in the *hearts* of their subjects, if they doe it not upon their *backs* too, will not beleeve they can have any more *command*, unlesse their Subjects have so much the lesse *liberty*. Now how earnestly this kind of gaining upon us of this Land hath been a long time in designe and pursuit, will easily appeare, if we look but back one score of yeeres, or thereabout.

The Subject here natively and by *genius* free, and no way enslaveable but by *Arms*, and this being an *Island*, and so needing no *Armes* in constant pay to *Garrison* the *Frontiers* with, some little quarrel must be pickt first with the French at *Rees*, after with the Spaniard at *Cades*, onely for a Colour, under which to transport hither (in way of aid) *Germane souldiers* (the late Duke of *Buckinghams* great designe) which when it would not take, the *French* are provoked againe by raising their siege before *Dunkerk*. All this while the most necessary war of all other, that for regaining the *Palatinate*, is neglected, because the Forces consisting most-what (in all likelyhood) of the most Protestantly affected, would not be easily divertible upon this Nation. But to make short, in pursuance of this designe, a *Ceremonious* quarrel is at last pickt with *Scotland*, wherein many of the wiser sort of men did from the beginning shrewdly ominate, that the *Liturgie* so earnestly pressed there, was but a snare to our *liberty* here, thereby, by occasion of a Warre, to be possessed of an Army that should awe and reduce us unto the *French vassalage*, and that the Scots *Service-Book* was but to teach us to *serve without book*. Therefore had the Conducters of that war in charge from the *General* by all meanes to *draw some bloud* in it, wherein to *scale* and *stamp* it *Nationall*. Nor may it be said these are sick mens dreames, for it will never be beleeved, that a *Ceremony*, scarce worth a *disputation*, could be a sufficient ground of such a *National War* as that was like to be, that any man would so have set his house on fire onely to rost his egges by.

But

But this link of the chain through this Nations disaffection to the Cause, and the Scots good behaviour, not onely slipping, but (as it is usuall with ill-charged plots) *recoyling*, and the *Prelats*, like the *Magicians* of Egypt, able to *bring in Frogs*, but not to *send them away*, Ex. 8. must therein (as they to *Moses*) be beholding to a hated Parliament, which (when with *Moses*) it hath done the work, yet are their *hearts still so hardned*, as that the *people must not yet be let goe* from this designe of their slavery, but that these Ægyptians wil stil be *working* (as those said) *wisely* in driving on by all meanes of warre and wit Ex. 1. 10. this designe though to their own and the whole Lands ruine, so naturall is it for Princes and their creatures (as the unexperienced Israelites desire was to be *governed after the manner of the Nations round about*, so) to desire to governe after the manner of the neighbouring Nations about them, not wel considering how much harder it is for an *Island* (not needing any stronger Garrisons in constant pay to be made use of upon all adventages) either to get or hold such a government then for *France* or *Spain* or any of those *Island Kingdoms*. I would not be herein mistaken, I know obedience to authority is one of the ten Commandements, and the first of them (as the Apostle speakes) *with promise*: it is not subjection to lawful authority, but servility to unlimited usurpation that is here oppugned, and especially because withall it quickly *unhinges Religion* (at least) in the safety of its profession from the *warrant* of *Law* to the *will* of a *man*, which is the next and last *designe*.

The unbottoming of Religion.

REligion is not in this place to be understood in any capacity of difference or of truth or falshood, so it hath beene shewed to bee the *maine quarrell*, here it is understood in reference to its present *establishment* by *Law* in the *profession* of it, not but that our Religion hath in its native truth a better *bottome* then humane *Law*, it is in the *Nationall* profession of it, that it is better bottomed upon the *Kingdoms Laws*, then upon the *Kings*, or his *Armies will* or *power*. The law is *mens sine appetitu*, an upright, calm mind, without the *byas* of interest or *sway* of passion, men and Armies are most-what quite contrary. He then that is so much a

Pytha-

Pythagorean as to be contented to pin his Religion (at least in the warrant of its profession) to any mans *ipse dixit*. He is often like to find a *Pythagorean transmigration*, or shift of it, with the Princes life or will.

It is not I confesse concludable as certaine, that those who have of late sate visibly at the *helme* of the State, should have in designe the bringing in of flat and through-*Popery* (at least) not in the *Papal part* of it, *subjection to the papacie of Rome*, (however that hath questionlesse been the plot of the most powerfull, though lesse owned councels of the party purely *Jesuitish*) it is not to be beleeved that the Prelats affected so little a share of Papacy to themselves as to subject themselves to a forraign one: but that they have these many yeeres laboured to take Religion off the hindge of Law, and to make it ductill and plyable to their and the Kings interests, is abundantly evident.

Why else had they with so much violence wrought it to such a strange mixture of a Popish *formality*, an Arminian *humanity*, a Socinian *discursivenesse*, a Libertine *latitude*, and whatsoever else would give it *Plye*, and all to elude and thrust out the *power*, *divinity*, *faith*, *strictnesse*, and especially *spiritualnesse* of Religion. As S. *Austine* gives the reason why the Romans had so many gods, and stil were so apt to borrow more of their neighbours, to be their loathnesse to betrust so great an Empire to a few: And therefore onely our Saviour Christ was of all other rejected, because he was no good *fellow-God*, they heard he would brook no partnership: so certainly nothing in the Religion established, troubled them so much as its unaptnesse to mingle, and thereby to comply, (the onely use of Religion being as such (it may be) think, to serve and fit the interests of State) and therefore among all the rest, only Jesuitisme a little, as far as dangerous to Monarchy, and especially Puritanisme as of the two more incompatible therewith (in their conceipts) have been allowedly preached or written against: but for the later of them, how hath it been *Fyned*, *Penanc'd*, *Pyllory'd*, hunted out of the Land to *America*, and even there *threatned* too, and why all this fury? Is it because it impugnes any *Article* of Faith? No, but the *Canons* of the Church, and therein (as you must beleeve because they say it) the Kings *Authority*; but in what? is it in making his bare

Sathan will you stin bugm

The Arch-Bishop of Cant. usi-all threat was, that his arme was long enough to reach them in New-England.

bare *Command* or *Proclamation* which those Cannons have, lesse then an *Act* of *Parliament*? If his command be *Legall*, it is an *Act* must make it so; it is *Law* must make it *Legall*: and if it be not so, then it is not *Authority*, but *Will*. See how these men in all things strive to make the Government wholly *Arbitrary* in the King; and therefore Religion, because it hath a great influence upon subjection to Government, no lesse (upon the matter) *arbitrary* in him too: But what, is it in service to the King? No, tis themselves they specially consult herein: for hereby they know the King their Patron not restrained by Law, will be easyer able to *raise* them; and they his Chaplains not restrained in Religion, easier able to *rule him*.

There are many in relation of service neer His Majesties Person, that are very confident that the late great men of this *Robe* had never any more power with His Majesty then what they wrought out of this undertaking, to free his Government from these *Puritans*, which they had perswaded him were the only *clogs* to it. A *gaine* of *power*, and a *power* of *gaine*, are two *powerfull* and *gaining* things upon Princes.

For mine owne part, I never yet scrupled at *conformity* to the Discipline established, and yet I must confesse I could never yet *conforme* my apprehension to that mysterious *State-riddle*, *No Hierarchie, no Monarchie*. I see them (the Bishops) usually *backing* the Kings *chaire*, but I cannot see how they *bottome* his *Throne*. I confesse every thing on which another must *depend*, must be *independent* of it, and so (it appeares) they strive to make the *Hierarchie* capable of the *Monarchies dependance* on it, by making it not to *depend* on that, and that by claiming, as of its Divine institution, so of its underived jurisdiction: but how *Monarchy*, which hath stood so many thousand yeeres (almost all the world over) before *Hierarchie* was ever heard of, and where it never set *foot*, and which hath quite *unmonarch'd* so great a part of *Europe*, where it hath gotten *head*, tis such a paire of *tarring irons*, as I know not how to undo, unlesse it be that *Bishops make Kings*, as temptations and crosses make Christians, or as rocks and storms make Pilots; or if you will, as a skittish jade makes a Horseman. If it be meant that they make Kings by ridding their States of Puritans, I cannot see wherein such are so *Antimonarchical* as they strive to make them, or indeed as they themselves

ſelves are; is it that they hold a King (if a Chriſtian) lyable as a brother (though with muſch reverence and tenderneſſe of reſpect to Majeſty) to *Churth-cenſures*, becauſe if not a *brother*, he cannot ſay *Our Father*, and if a *brother*, then included in our Saviours *rule* of *tell the Church*, yet they doe not extend any of thoſe *cenſures* to an *interdiction* of any, or all *civill* commerce, as Biſhops doe, but holding that *dominion* (being a *civil* right, and not founded in *grace*) it is no way deveſtible by any *ſpirituall* cenſure. Is it that they make the Government of Monarchie in its qualification & diſtinction from the reſt, the reſult of the peoples conſent at firſt? but they that ſay *No Biſhop, no King*, ſhrink it a great deale narrower and lower to but a part of a part of that people; if thoſe aſcribe the well-being of Monarchie to Law, theſe aſcribe the very being of it to that which tho Law can give either being or no being to at pleaſure.

The truth is, (I dare not ſay the Epiſcopal party, but) certainly the Jeſuited party therein (for they can play with both hands) have dealt between the King and people much-what as the Cat in the Fable between the Eagle and the Beare: all three had their neſts & young in one great tree, the Eagle at the top, the Bear at the root, the Cat within the hollow trunk in the middle: She adviſed the Eagle to have an eye to the Beare, who was alwayes digging (ſhe ſaid) at the root of the tree to get it down, that ſhe might make a prey of her & her brood: ſhe wiſhed the Beare to look about her, and watch her litter well, for the Eagle had always a wakefull eye upon her goings abroad to forrage, to find an opportunity wherein to devoure her yong, & by this means made them both ſo jelous each of other, that (for feare of truſting each other, though ſo neere neighbours) out of too much care to defend, but too little to cheriſh each their owne, they ſtarved both themſelves and broods, whilſt ſhe the Cat not onely the meane while took the advantage of her eyes by night, to ſtore her ſelfe for her own brood, but in the end made a prey of both the other, ſtarved at length with mutuall jelouſies. The Story needs no application. But (to conclude) *Religion*, *King*, and *Law* are relatives, let us give them all their due: let us eſteem Religion (I mean (as before) in the liberty of its profeſſion) as the defender of our lives, honour the King as the defender of our Religion, maintain the Law as here on earth, the beſt defender of them both.

An Apologie for what ever may seeme any way to reflect on His Sacred Majesty in the fore-going *Treatise*.

It is the just sorrow of all sober men, that the exigence of the Cause hath wrung out as so much blood, and teares; so much ink and gall too in this quarrell, especially in as much as some must needs glisicente controversia *(at least) seeme to besprinkle Majestie it selfe. What ever of this kind is spoken in this Discourse, reflects no farther on His sacred Majesty, then as concluding Him a son of* Adam, seducible. *I know his Temperance, Justice, Meeknesse, Constancie are such, (as were it in the power of the greatest example) were able to convert (I had almost said uncourt) a Court: and for his Piety, I am confident His Majesty* himselfe *never had in designe any Innovation either in Religion or Government: Nay more, I am confident the most powerfully mischievous councels at any time about him, could not (knowing His constancie in both) but despaire of ever working him to any Religion that they durst call by any other name then* Protestant, *or any other rule of Government then what they called* Law. *Howbeit, in what hath been represented to him for* Protestant Religion, *and* English Law, *herein as His Bishops and Judges have had the neerest, so is to be more then feared, Courtiers on them, and Jesuites againe on them, have had the greatest influence and impression.*

Kings are said in respect of their power and bounty to have long armes and broad hands, the which (every power having its pericula *as well as* vehicula, *stings as well as wings, and like bladders to a learning swimmer are apt as well to carry a man too far, as to beare him up) throw them often upon the two great precipices of greatnesse,* Liberty *and* Flattery: *the arme of power throws them upon Liberty, and the hand of bounty upon Flattery too often: by the first of these, Princes under no restraint but of their own wils, and by the second, those wils never represented to them, but as sun-beames, cleare and straight; they are most what betweene these two false glasses, still strangers to themselves and their affaires. It is one of the greatest infelicities of greatnesse, that it most-what knows it selfe but by heare-*

heare-say. Want of leisure to know the truth themselves, makes them take it up upon trust; and want of faithfulnesse in their Ministers to represent it truly, makes that trust beare them: so that they seldome get true copies of their owne characters, but doe live (as Seneca speaks) but as lent to themselves from the tongues, and pens, and arts, and interests of others. Besides, their own early expectations of ruling, and their servants of rising, make them begin with the art of commanding; while they should be a learning what it is to obey, and so their wills and errors mingle with their first rules, their Copies are seldome well ruled at first, nor their hands well held; in examples they usually make the blot a part of the copie, and in lessons (as Alexander to his Mathematicke Master) the difficulty is excuse enough for a Prince: Here is the mischiefe, their wills not broken young, are apt to grow restive, when they should turne or take a crosse way.

Truth though without foile or borrowed luster, is a Jewel worthy the eare of a Prince, and how happy were the world if Princes would scorne as much to weare counterfeits of truths as of diamonds: would they but entertain State impostors of this kinde as the Emperour Valerian did a cheating Jeweller that had sold counterfeits to his Empresse, it would sweepe many a Court-cobweb, spider, and all out of doores. The Emperesse understanding shee had bought counterfeits, grew so impatient towards the Jeweller as she made earnest suit to the Emperour he might be throwne to the lyons, the Emperour told her he should be worse dealt with then so, he should be thrown to creatures lyons themselves doe tremble at: the next great shew the Jeweller was brought into the Theater blindfolded, and in stead of lyons or some such fierce creatures threatned, a couple of cocks were turned loose towards him, the man what with feare at the shout of the people, and shame after he knew what was done, dyed (sayes the story) soone after: Its his entertainment that invites and flatters the flatterer.

Of all studies for a Prince, the study of men is the best, but then it is not so much the study of their humours or abilities as of their ends and interests. Flattery, (the hatred of which is when all is done is the most politike and communicative vertue in a Prince) it is the most subtile insinuating Court-devill of all others, it will finde so many back-doores and wickets to creepe in at when it is turned out at gates: If it finde the Prince too wise to have his power, or vertues, or abilities, flattered, it will mingle with his interests, claimes or ends, and turne projector: it knows how to shift its sayles to any winde that stirs, and would not (where it meetes with a competence of wisdome) saile

with a full gale to choose, but with a halfe or quarter winde, that seemes to blow another way. It is not to be denyed but that our gracious King (and let him perish that doth not daily pray he may long continue one) is a Prince, as for abilities short of very few, so of vertues exceeding most, if not all his Auncestors; all that we need to wish him, more then what he is, is that hee would but be as carefull of the disengagednesse, the unbyasednesse of his Councellors, as he is of the composednesse, the unblemishednesse of his life. Questionlesse besides what they are by the Laws and constitutions of this Kingdome, even in reason his Parliament must needes be his safest, his fittest Counsel, its fidelity to its generall trust, its liberty to discharge that trust with freedome and safety, its ability out of experience of the whole Kingdoms needes to make use of both fidelity and liberty; lastly, its inexpectancie of reward, keeping all the other three even, do so make up the square & proportion of its fitnesse, that it is impossible the King should be so safe, or Kingdom so happy in any other, and certainly tis the onely present danger and unhappinesse of both, that there is any other.

FINIS.